
CHAPTER 23
LOCAL COURT RULES
Trial Rule 81

PRIMER FOR LOCAL RULE
ADOPTION, REPEAL OR
AMENDMENT

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Background

In September 2004, the Local Rules Subcommittee set the stage for the regulation of practice before local courts. The Indiana Supreme Court, at the request of its Committee on Rules of Practice and Procedure, initiated a project designed to take local court rules from the bulletin boards in courthouses to the official website of the Indiana Judiciary and to provide a schedule and format for future amendments to the rules. The Committee's ultimate goals are to insure that local rules are readily available to practitioners, litigants and the public and to bring uniformity to the local rule numbering and amendment process.

[Ind. Trial Rule 81](#) was amended in 2005 to provide a process, schedule and format for adopting new, or repealing or amending existing, local court rules. Every county court system now has their [local court rules](#) posted on the Indiana Judicial Website. The rule created a numbering system for all local court rules and established designated times for adopting or amending local court rules. The process under the rule promotes transparency and wide distribution of any proposed local court rule changes.

Courts may no longer use standing orders (generic orders not entered in an individual case) to regulate court practice. Ind. Trial Rule 81(A). Courts must adopt new, or repeal or amend existing, local rules using a legislative style procedure. Courts now send proposed rules or rule amendments to the county clerk and the Division of State Court Administration (the Division) in **digital format via** a Word or WordPerfect document. Ind. Trial Rule 81(B)(2).

Understanding the Amended Format for Numbering Local Rules

Under Ind. Trial Rule 81(E), the Division published an amended numbering format for local rules. The amendment was the result of further deliberations by the Local Rules Committee. The committee wanted to encourage courts to work toward unifying local practices and believed local flexibility could be accommodated within the last part of the local rule number – the local sequence. There, a county could give different letters or numerical sequences to indicate differences among the local courts. For example, LR01-TR79-1 decodes as:

LR	01	TR	79	1
Local Rule Designation	County Identification Number	State Rule Set	State Level Rule Set Number	Local Sequence Number

The Process

Ind. Trial Rule 81(B) requires courts to give Notice when proposing to adopt or amend local rules, and to solicit comments from the bar and the public for a minimum of **30 days**. The notice must include the proposed **effective date** of the rule or amendment, and designate the name and address of the person to whom comments are to be directed.

Courts must send the **proposed** new rule or amendment to the officers of the county bar association. The county clerk will post the proposal on the county website, if any, and the Division will post the proposal on the Indiana Judicial Website.

Courts underline proposed new language and ~~strike through~~ language to be deleted.

Local courts must place **adopted** rules and amendments in the **Record of Judgments and Orders** and the county clerk posts them in the county clerk's office and on the county clerk's website, if any. The Division posts the adopted rules or amendments on the Indiana Judicial Website.

How to do it

The first step in the process is to provide [Notice](#) of the proposed rule change. Publication of the Notice is considered complete when the courts send the text of the proposed new rule or amended rule **in a digital format** (in a Word or WordPerfect document and **not** PDF) to State Court Administration and the County Clerk on or before June 1.

Step two is to show the changes to the existing rule by ~~striking through~~ the language to be deleted and underlining the language to be added. ***Courts are strongly encouraged to use the Track Changes feature in Word or WordPerfect.***

Step three is to **request Supreme Court approval** if changes are being proposed to one of the four (4) **required** local rules, as follows:

- special judge selection in civil cases pursuant to [Ind. Trial Rule 79\(H\)](#);
- special judge selection in criminal cases pursuant to [Ind. Criminal Rule 2.2](#);
- regulation of court reporter services pursuant to [Ind. Administrative Rule 15](#); and
- caseload allocation plans pursuant to [Ind. Administrative Rule 1\(E\)](#).

Local Rule Adoption or Amendment Schedule

In 2005, the Supreme Court issued an Order setting a [schedule for Local Rule adoption and amendments](#). The schedule provides:

TRIAL RULE 81 SCHEDULE DEADLINES	
DATE	EVENT
Prior to June 1	Notice of Proposed Local Rule Adoption or Amendment
June 1	Thirty-day comment period begins
July 1-July 31	Final approval by local courts
August 1 or before	Submission for Supreme Court approval, if necessary
August 1-October 1	State Court Administration will review proposals and make recommendation to the Supreme Court for approval, modification or rejection
October 1 or before	Supreme Court review and decision, if necessary
November 1 or before	Revised rules due to Supreme Court
November 15 or before	Supreme Court review and decisions on any resubmitted rules
January 1 following year	Effective date of Local Rules

Good Cause to Deviate from the Schedule

Ind. Trial Rule 81(D) provides an exception when local courts find **good cause** exists to deviate from the above schedule. A [Notice](#) with good cause to deviate from the schedule must be filed and posted. Even then there must be a posting and comment period of at least **30 days** before the new or amended local court rule becomes effective. If Supreme Court approval is necessary, then the effective date will be subject to that approval.

Sending marked-up and final documents to the Division

Courts must send the marked up versions of the proposed new or amended local court rules and the final version to the Division and the County Clerk for posting on the state Judicial Website and with the county clerk or county website, if any , on or before the effective date.

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